



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,977	10/24/2003	Maria Skillas	SKI-001	6966
21884	7590	05/02/2006	EXAMINER	
WELSH & FLAXMAN LLC 2000 DUKE STREET, SUITE 100 ALEXANDRIA, VA 22314			KYLE, MICHAEL J	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/691,977	SKILLAS, MARIA	
	Examiner	Art Unit	
	Michael J. Kyle	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-8,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-8,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 5-8, 11 and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Knouse et al (“Knouse”, U.S. Patent No. 2,263,136). Knouse discloses an ergonomic handle comprising a first handle (10) having a first longitudinal axis and first (right hand, or upper side of 10 in figure 1) and second (left hand, or lower, portion of 10 in figure 1, near element 22) ends. Knouse also discloses a second handle member (12) with first (adjacent 30) and second (adjacent 26) ends that have reduced diameter when compared to a central portion of the second handle member (12). The first and second ends are shaped and dimensioned to accommodate the palm and fingers of a user’s hand. The first handle member (10) and second handle member (12) are connected such that their respective longitudinal axes are approximately perpendicular. The first end of the first handle member (near “D”) is connected to the second end of the second handle member (12). The first end of the second handle member (12) is connected directly to the appliance (at 26). The second end of the first handle member is capable of being free and unconnected to the appliance (by removal of 23). It is noted that independent claim 1 is directed only to the subcombination of “An ergonomic handle”, and the appliance is not claimed in combination with the handle. As such, all recitations of the appliance in the claim are treated as intended use recitations. As applied to Knouse, the second end of the first handle member is

Art Unit: 3677

capable of being unconnected to an appliance. Additionally, because only the subcombination is claimed, the orientation of the handle relative to the appliance is given little patentable weight.

The handle of Knouse is capable of being connected to an appliance where the appliance extends downwardly therefrom along the second longitudinal axis of the second handle member. It is further noted that Knouse does show a dimension of the appliance extending in the direction of the second longitudinal axis.

3. With respect to claims 2 and 3, Knouse discloses the first handle (10) member oriented for horizontal gripping and the second handle member (12) is oriented for vertical gripping.

4. With respect to claims 5 and 6, Knouse discloses the first end (near "D") of the first handle member (10) to have reduced diameter compared to a central portion of the first handle member. The first end of the first handle member is shaped to accommodate the palm and fingers of a user. The first end of the first handle member also includes an indentation shaped for receipt by a user's thumb (indentations on under side of 10).

5. With respect to claims 7 and 8, Knouse discloses the second end (near 22) of the first handle member (10) to include a swivel member (protrusions around 32) for positioning of a thumb thereon. A far end of the swivel member includes a ridge (left of 32) to aid a user in positioning a hand thereon.

6. With respect to claim 11, Knouse discloses a positioning projection (near 18, diagonally opposite of 30) at a connection between the first handle (10) and second handle (12).

7. With respect to claim 12, it is noted that the ergonomic handle is not claimed in combination with the appliance. For this reason, all recitations regarding the appliance are

Art Unit: 3677

considered as an intended use of the ergonomic handle. In this case, the handle of Knouse is capable of being used on a mixer.

Response to Arguments

8. Applicant's arguments filed March 20, 2006 have been fully considered but they are not persuasive.

9. Applicant argues that Knouse does not disclose the second end of either handle to be free and unconnected from the appliance. As noted above, the appliance is not claimed in combination with the handle, thus the scope of the claim is limited to only the handle. Whether or not the handle is fixed to an objected is not within the scope of the claim and is treated as an intended use of the handle. In this case, the handle of Knouse is capable of being free and unconnected from an appliance.

10. Applicant argues that without a free and unconnected end, a swivel member as claimed could not be used. Examiner notes that there is no claimed structure associated with the swivel that requires an end of handle to be free or unconnected.

11. Applicant argues that the appliance in Knouse does not extend downward along the longitudinal axis of the second handle. As noted above, the combination of the appliance and the handle is not claimed. Further, even if the combination were claimed, the appliance in Knouse does have a dimension in the direction of the longitudinal axis of the second handle. This dimension would run parallel to and extend beyond the second longitudinal axis. In that it runs parallel to, examiner considers this to be "along".

Art Unit: 3677

12. With respect to claim 7, applicant argues that it appears the trigger of Knouse has been applied to read on the claimed swivel member, and that claim 7 as amended defines over this. Examiner notes that the swivel member in Knouse is considered to be bounded by the two projections on either side of the trigger, not the trigger itself. From this, the swivel member remains continuous with the handle.

Conclusion

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kyle whose telephone number is 571-272-7057. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

14. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 571-272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mk


ROBERT J. SANDY
PRIMARY EXAMINER